

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MANUEL ARIZMENDI-BURGOS

CASE NO. 1:20-CV-00270 SEC P

VERSUS

JUDGE DRELL

DAVID RIVERA

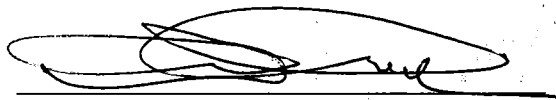
MAGISTRATE JUDGE PEREZ-MONTES

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein (Doc. 4) and after a *de novo* review of the record, including the Objections filed by Petitioner (Doc. 6 & 7), and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that the Petition for Writ of Habeas Corpus under 28 U.S.C. §2241 (Doc. 1) challenging Petitioner's order of removal is hereby DISMISSED for lack of jurisdiction. The Petition is DISMISSED WITH PREJUDICE as to the jurisdictional issue and WITHOUT PREJUDICE as to the merits of the claims. In so ruling, we note Petitioner's argument in his objections that we cannot dismiss but must transfer the case to the Fifth Circuit Court of Appeals under 8 U.S.C. §1252(a)(2)(D). We have reviewed that provision and it has no such requirement.

THUS DONE AND SIGNED this 4th day of May 2020, at Alexandria, Louisiana.



DEE D. DRELL, JUDGE
UNITED STATES DISTRICT COURT